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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Gerald T. Mearini, PhD et al

FOR : OPTICAL FILTER CONSTRUCTION BY  
ATOMIC LAYER CONTROL FOR NEXT  
GENERATION DENSE WAVELENGTH  
DIVISION MULTIPLEXER

SERIAL NO. : 09/865,152

FILED : May 24, 2001

LAST OFFICE ACTION : December 12, 2002

EXAMINER : Bret P. Chen

GROUP ART UNIT : 1762

APPROVED

ATTORNEY DOCKET NO. : 30937.30013

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RECEIVED  
APR 09 2003  
GROUP 1700

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CERTIFICATE OF MAILING

I hereby certify that this APPLICATION TO WITHDRAW AS ATTORNEY OF RECORD ACCORDING TO 35 C.F.R. § 1.36 is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the following date.

April 2, 2003  
DateDebra M. Zadravec  
Debra M. Zadravec

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APPLICATION TO WITHDRAW AS ATTORNEY OF RECORD  
ACCORDING TO 35 C.F.R. § 1.36Commissioner for Patents  
Washington, DC 20231

Dear Sir:

The undersigned, Roger D. Emerson, hereby requests permission to withdraw as attorney herein.

1. The reasons for my requested withdrawal are contained in detail in the enclosed letter to Dr. Mearini, but can be summarized as (1) the applicant has not paid me for the services he has requested I perform; (2) the applicant has disregarded agreements and obligations he has made to me, especially concerning reimbursement for expenses and payment of my fees; (3) the applicant has not corresponded or spoken with me concerning his applications or his failure to pay my invoices; and (4) by his conduct the applicant is making it unreasonably difficult for me to carry out my representation of him and employment by him, effectively.

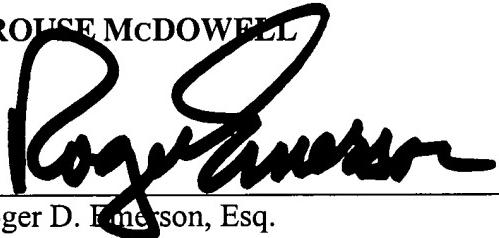
I have delivered to the client all files for which I was responsible and information he has given to me. Thereby, I have effectively empowered him to carry on his own prosecution of the applications, whether pro se or by hiring another intellectual property attorney. The time for response in each of the applications is greater than thirty days. As such, I believe I have left the applicant in a condition to carry on the prosecution of his applications without me. Therefore, I believe I have complied with all the obligations placed upon me by the U.S. Patent and Trademark Office to allow such withdraw and believe I am entitled to the application I request.

Please send all further correspondence directly to the inventor at the address below:

Gerald T. Mearini, PhD.  
Atomic Telecom  
110 Alpha Park  
Cleveland, OH 44143

Respectfully yours,

BROUSE McDOWELL



Roger D. Emerson, Esq.  
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Date

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